

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NATHANIEL MITCHELL	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 14-5026
COMMUNITY EDUCATION	:	
CENTERS, INC.	:	

ORDER

AND NOW, this 11th day of August, 2015, upon consideration of Defendant Community Education Center, Inc.'s Motion to Dismiss Plaintiff's Complaint and Motion to Strike Paragraphs of Complaint (ECF No. 5), and all documents submitted in support thereof, and in opposition thereto, it is **ORDERED** that the Motion to Dismiss is **GRANTED** in part and **DENIED** in part, and the Motion to Strike is **GRANTED** in part, and **DENIED** in part, as follows:

- A. Defendant's Motion to Dismiss is **GRANTED** as to Count I (wrongful termination), Count II (breach of contract), Count III (unjust enrichment), Count IV (negligence), Count V (gross negligence), Count VI (common law harassment), and Count VII (emotional distress). These Counts are **DISMISSED**.
- B. Defendant's Motion to Dismiss is **DENIED** as to Count VIII (discrimination under Title VII), Count IX (discrimination under the PHRA), Count X (hostile work environment under Title VII), Count XI (hostile work environment under the PHRA), Count XII (retaliation under Title VII), and Count XIII (retaliation under the PHRA).
- C. Defendant's Motion to Strike is **GRANTED** as to Paragraphs 57, 59, 61-66, 68, 70-71, and 74 of Plaintiff's Complaint. These Paragraphs are stricken.

D. Defendant's Motion to Strike is **DENIED** as to Paragraphs 56, 67, 69, and 72-73 of Plaintiff's Complaint.

IT IS SO ORDERED.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'R. Surrick', is written over a faint, circular, embossed or stamped seal.

R. BARCLAY SURRICK, J.